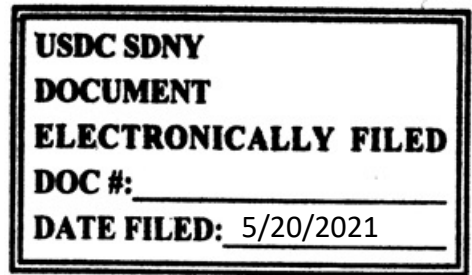


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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:
Jeanette Escobar, :
:
:
Plaintiff, :
:
:
-against- :
:
:
Andrew Saul, :
Commissioner of Social Security Administration, :
:
Defendant. :
:
-----X

ORDER


1:20-cv-09653 (AT) (KHP)

KATHARINE H. PARKER, United States Magistrate Judge.

The Supreme Court recently held that social security applicants raising Appointments Clause challenges to proceedings conducted before an unconstitutionally appointed ALJ need not exhaust such issues before the Social Security Administration before raising them in federal court. *Carr v. Saul*, 593 U.S. ___, 141 S. Ct. 1352 (2021). In this case, Plaintiff's hearing before an ALJ occurred before that ALJ's appointment had been ratified by the Acting Commissioner of Social Security. Accordingly, to promote efficiency and judicial economy, Plaintiff is ordered to file a letter with the Court no later than June 18, 2021 indicating whether she would like this matter to be remanded for a new hearing before a constitutionally appointed ALJ. Failure to request a remand on the Appointments Clause issue at this stage may constitute a waiver in all further proceedings, including appeals.

SO ORDERED.

Dated: May 20, 2021
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge